



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/175,174	12/28/93	DAVIES	
F3M1/1019			
DARBY & DARBY 805 THIRD AVENUE NEW YORK, NY 10022			
			M 295406402US1 EXAMINER LEWIS, A
			ART UNIT PAPER NUMBER 27
			3307 DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

10/19/94

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s) 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. (3) | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1 → 21 are pending in the application.
Of the above, claims 22 → 26 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1 → 21 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other _____

EXAMINER'S ACTION

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There remains an inconsistency between the language in the preamble and a certain portion or portions in the body of the claims, thereby rendering the scope of the claims indefinite. Applicant's remarks in the amendment dated 4/15/94 indicate that applicant intends to claim inhalation device and NOT the combination of inhalation device and medicament pack. However, the claim language as amended is not consistent with applicant's stated intention.

In claim 1, "...the containers..." lacks antecedent basis; "...at least one of the plurality of containers..." lacks antecedent basis; "...the sheets..." lacks antecedent basis; "...the medicament..." lacks antecedent basis; "...said plurality of containers..." lacks antecedent basis.

In claim 8, "...the base sheet..." lacks antecedent basis; "...the plurality of containers..." lacks antecedent basis; "...the sheets..." lacks antecedent basis; "...the lid sheet..." lacks antecedent basis; "...the opened one of the containers..." lacks antecedent basis; "...the medicament pack..." lacks antecedent basis; "...the pockets..." lacks antecedent basis.

In claim 11, "...the containers..." lacks antecedent basis; "...the plurality of containers..." lacks antecedent basis;

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"...the sheets..." lacks antecedent basis; "...the lid sheet..." lacks antecedent basis; "...the base sheet..." lacks antecedent basis; "...the medicament pack..." lacks antecedent basis; "...said pockets..." lacks antecedent basis.

In claim 16, the following terms lack antecedent basis; "...the containers..."; "...said plurality of containers..."; "...the containers..."; "...the medicament..."; "...the plurality of containers..."; "...the lid sheet and base sheet...".

As stated in the office action dated 8/5/93, applicant must amend the claims to positively define the inhalation device alone to be consistent with applicant's intentions as set forth in the remarks in the amendment dated 4/15/94.

Any inquiry concerning this communication should be directed to Aaron J. Lewis at telephone number (703) 308-0716.

Aaron J. Lewis
September 30, 1994


AARON J. LEWIS
EXAMINER
ART UNIT 337